
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 24

**The Storage of Carbon Dioxide (Licensing
etc.) (Scotland) Regulations 2011**

General

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Storage of Carbon Dioxide (Licensing etc.) (Scotland) Regulations 2011 and come into force on 1st April 2011.

(2) In these Regulations—

- (a) any reference to a numbered section is to that section of the Energy Act 2008; and
- (b) any reference to an EU instrument, or a provision of such an instrument, is a reference to that instrument or provision as amended from time to time.

(3) In these Regulations—

“appraisal term” has the meaning given by regulation 3(2)(a);

“the authority” means the Scottish Ministers as licensing authority under section 18(2);

“CO₂” means carbon dioxide;

“corrective measures plan” has the meaning given by regulation 7(6);

“the Directive” means Directive [2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive [85/337/EEC](#), European Parliament and Council Directives [2000/60/EC](#), [2001/80/EC](#), [2004/35/EC](#), [2006/12/EC](#), [2008/1/EC](#) and Regulation (EC) No 1013/2006^{M1};

“the Environmental Liability Directive” means Directive [2004/35/EC](#) of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage^{M2};

“the ETS Directive” means Directive [2003/87/EC](#) of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive [96/61/EC](#)^{M3};

“financial security” includes—

- (a) a charge over a bank account or any other asset;
- (b) a deposit of money;
- (c) a performance bond or guarantee;
- (d) an insurance policy; and
- (e) a letter of credit;

“general exploration licence” means a licence granted by the Secretary of State under section 18(1) which authorises only activities within section 17(2)(c) and the establishment or maintenance of an installation for the purpose of such activities and which—

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- (a) does not grant to the holder the sole right to carry out exploration of a controlled place, and
- (b) is issued in combination with—
 - (i) a licence under section 4 to explore any controlled place with a view to carrying on activities within section 2(3)(a) to (d) and establish or maintain an installation in a controlled place for the purposes of such exploration, or
 - (ii) a licence under section 3 of the Petroleum Act 1998^{M4} to search for petroleum in any area below the low water line or in the seaward areas as defined by regulation 3(1)(a) of the Petroleum (Production) (Seaward Areas) Regulations 1988^{M5};

“injection” means injection of carbon dioxide into a storage site;

“legislation” means legislation in force in the United Kingdom (whether passed, or made, before, after or at the same time as the commencement of these Regulations);

“licence” means a licence (other than a general exploration licence or a Scottish exploration licence) granted by the authority under section 18(1) in respect of activities within section 17(2) (a) to (d) (and “licence holder” is to be construed accordingly);

“licensed area” means the area within which activities are authorised under a licence;

“monitoring plan” has the meaning given by regulation 7(5);

“operator” means the person who carries on or controls activities within the meaning of section 17(2) at a storage site;

“post-closure plan” has the meaning given by regulation 12(3) or (4);

“provisional post-closure plan” has the meaning given by regulation 12(2);

“Scottish exploration licence” means a licence granted by the Scottish Ministers under section 18(1) which authorises only activities within section 17(2)(c) and the establishment or maintenance of an installation for the purpose of such activities and which does not grant to the holder the sole right to carry out exploration;

“storage permit” means a consent granted under a licence, authorising the use of a place as a storage site; and

“target date” has the meaning given by regulation 10(3)(a).

(4) The following expressions have the meanings given by Article 3 of the Directive (and cognate expressions are to be construed accordingly)—

“closure” of a storage site;

“corrective measures”;

“CO₂ plume”;

“CO₂ stream”;

“exploration”;

“hydraulic unit”;

“leakage”;

“migration”;

“significant irregularity”;

“significant risk”;

“storage complex”;

“storage site”;

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“substantial change”;

“waste”;

“water column”.

Marginal Citations

M1 O.J. No. L 140, 5.6.2009, p.114.

M2 O.J. No. L 143, 30.4.2004, p.56; amended by European Parliament and Council Directives 2006/21/EC (O.J. No. L 102, 11.4.2006, p.15) and 2009/31/EC.

M3 O.J. No. L 275, 25.10.2003, p.32; amended by European Parliament and Council Directives 2004/101/EC (O.J. No. L 338, 13.11.2004, p.18), 2008/101/EC (O.J. No. L 8, 13.1.2009, p.3) and 2009/29/EC (O.J. No. L 140, 5.6.2009, p.63).

M4 [1998 c.17](#) to which there are amendments not relevant to these Regulations.

M5 [S.I. 1988/1213](#); amended by [S.I. 1992/2378](#); there are other amendments that are not relevant to these Regulations.

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Changes and effects yet to be applied to :

- Regulations power to amend conferred by [2023 c. 52 s. 93\(10\)\(b\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 7(5)(d) and word inserted by [S.S.I. 2011/457 reg. 5\(b\)](#)
- Sch. 3 inserted by [S.S.I. 2011/457 reg. 6Sch.](#)
- reg. 1(5) inserted by [S.S.I. 2021/354 reg. 3\(c\)](#)
- reg. 14-18 inserted by [S.S.I. 2011/457 reg. 4](#)